

**STATE OF KERALA
IN THE COURT OF SUBORDINATE JUDGE, KOYILANDY,**

Present:- Sri. Manoj. M.N, Subordinate Judge.

Tuesday, the 17th day of March, 2026

IA No. 1/2026 in OS No. 24/2018

Between:

Ramakrishnan.P.O,
aged 53 years, S/o Kunhiraman,
Kuttyappurath House, Arikkulam amsom
desom, Arikkulam Post, Koyilandy Taluk.

Petitioner/
Plaintiff

And:

Gangadharan.K.K,
aged 68 years, S/o Kunhikanaran, 'Sherly
Nivas', Cooli, Kozhukkallur amsom,
Chavattu Desom, Koyilandy Taluk.

Respondent/
Defendants

This petition coming on this day for hearing before me in the presence of Sri.A. vinod Kumar Advocates for petitioner/plaintiff and of Sri. Rejilesh.P for respondent/Defendant and the the court passed the following.

ORDER

This is a petition filed by the plaintiff quoting Order 18 Rule 17 of the Code of Civil Procedure. It is prayed that, for the reason stated in the accompanying affidavit, this court may pass an order recalling PW1 for his further evidence and to mark a document in evidence.

2. The case of the petitioner/appellant as disclosed in the affidavit filed in support of the above IA is as follows:- That, on 16.09.2025, the petitioner had produced a computer printout of the income tax return dated 31.03.2016. When PW1 was cross examined, a question was asked to the effect that, whether that document could be produced before this court.

Hence the petitioner got advise that the above document is necessary for a full fledged adjudication in the above subject matter. For the above purpose, the evidence of PW1 to be recalled and the above document to be marked into evidence. Otherwise, it will cause irreparable loss, injury and extreme hardship to the petitioner. Hence the above petition.

3. Copy of the above petition was served to the opposite side. The respondent/defendant filed written counter statement opposing the above IA.

4. In the counter statement, the respondent contended as follows: That, the above IA is one without any bonafide. The petitioner is not entitled go get any of the reliefs sought for in the above IA. On 04.08.2025 itself, the petitioner was examined before this court. Thereafter, only on 17.09.2025, the evidence of the petitioner was closed in the above suit. The document mentioned in the present IA was produced before this court on 16.09.2025 and if the petitioner was intending to mark the same in evidence, it could have been done before the closing of evidence on 17.09.2025. Even thereafter on 14.10.2025, the evidence of petitioner/plaintiff was again reopened and it was closed only on 05.11.2025. During this period, no steps were taken on the part of the petitioner/plaintiff to mark the above document into evidence. Now the evidence in the case is over and the case is posted for final hearing. It is in the above belated stage, the present petition stands filed on the side of the plaintiff. The intention of the petitioner is only to harass the defendant/respondent and to protract the final adjudication in the above subject matter. The above petition is one for devoid of merit and liable to be dismissed with costs.

5. Heard both sides and perused the records relevant for the disposal of the above interim application.

6. The points formulated for consideration are as follows:-

- 1) Whether there are grounds in favour of the petitioner to condone the delay, as prayed for?
- 2) Reliefs and costs?

7. **Point No. 1 and 2:** The above suit is one for realization of money. The records of the case would show that on 02.12.2025, the evidence on both sides over. As pointed out by the learned counsel for the respondent, the present IA stands filed when the case posted for final hearing. It can be seen that the document sought to be marked in evidence on the side of the plaintiff was admittedly produced before this court on 16.09.2025 and it was prior to closing of evidence on the side of the plaintiff. It is also relevant to note that even though the evidence of the plaintiff was subsequently reopened on 14.10.2025, the said document was not tendered into evidence on the side of the plaintiff. However, considering the fact that for a meritorious disposal of the case after full fledged trial, one more opportunity can be given to the plaintiff. But at the same time, the difficulties and hardship caused to the respondent shall be compensated by way of necessary costs also. Considering all what has been stated, **point No. 1** is hereby answered in favour of the petitioner to the effect that the evidence of PW1 to be reopened on condition that he shall pay costs of Rs.3,000/- (Rupees three thousand only) to the respondent within 10 days from the date of this order. Accordingly, **point No. 2** is also hereby answered to the effects as stated above.

In the result,

- 1) I.A. No. 1/2026 in OS 24/2018 is hereby allowed as prayed for, and the evidence of PW1 is recalled.
- 2) The above order is subject to condition that the petitioner shall pay costs of Rs.3,000/- (Rupees three thousand only) to the

respondent within 10 days from the date of this order, either directly to the respondent or by depositing the same before the Court.

(Dictated to the Confidential assistant, transcribed and typed by him, corrected and pronounced by me in the Open Court on this the 17th day of March 2026).

Sd/-
Sub Judge.

// True copy //

Sub Judge.

Draft Order in I A No.1/2026
in O S No. 24/2018
Dated 17.03.2026